

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Jillian Kern

v.

Civil No. 09-cv-00076-JL

Wilcox Industries
Corporation, et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on
June 11, 2009.

The Discovery Plan (document no. 7) is approved as
submitted, with the following changes:

- "DiBenedetto" disclosure by defendant--**August 1, 2009**
- Close of discovery--**January 15, 2010**

Based on the discussions between the court and counsel at
the conference, the following affirmative defenses are **stricken**
without prejudice to being reinstated on request if warranted by
the evidence: fourth (none of the plaintiff's claims are barred
by workers' compensation law); thirteenth (comparative

negligence); fourteenth (plaintiff's misconduct); and twentieth (statute of limitations).¹

Summary Judgment. The parties and counsel are advised that compliance with Rule 56 and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: June 12, 2009

cc: L. Daniel Marr, Esq.
Jennifer L. Parent, Esq.

¹Plaintiff's counsel has asserted that the plaintiff seeks no damages arising prior to April 2007.